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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,930

04/07/2006

Masaharu Murakami

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EXAMINER

HARVEY, DAVID E

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/12/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,930	<b>Applicant(s)</b> MURAKAMI ET AL.	
	<b>Examiner</b> DAVID E. HARVEY	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/11/2007, 4/9/2007, 1/8/2007, and 4/7/2006</u> . | 6) <input type="checkbox"/> Other: _____  |



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**1. The following is a quotation of the second paragraph of 35 U.S.C. 112:**

**The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

**2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

A) The preamble of claim 1 indicates that claim 1 is directed to a file reproduction "apparatus". As such, claim 1 is confusing and indefinite because the body of the claim (i.e., lines 3-24) fails to define the structure of the recited "apparatus" as is required of an apparatus claim. Claims 2-7 require similar clarification.

B) The preamble of claim 8 indicates that claim 8 is directed to a file reproduction "method". As such, claim 8 is confusing and indefinite because the body of the claim (i.e., lines 3-23) fails to define the "active steps of manipulation" the recited "method" as is required of a method claim. Clarification is required.

C) The preamble of claim 9 is confusing and indefinite because it is unclear from the preamble as to whether claim 9 is intended to recite:

1) A computer program, per se (i.e. which, if so, would constitute non-statutory subject matter under section 101);

2) A programmed computer, per se (i.e., an apparatus); or

3) A "method" of reproduction which was to be performed by a programmed computer.

Clarification is needed. Additionally:

1) It is noted that, if the claim is directed to a programmed computer, then the claim is also indefinite because the body of the claim fails to define the structure of the computer as is required of such "apparatus" claims; and

2) It is noted that, if the claim is directed to the reproduction method, then the claim is also indefinite because it appears that the body of the claims fails to define the active steps of manipulation which comprise the "method" as is required of method claims; i.e. as recited it is unclear as to how and if the recited "method" of line 2 relates the recited "processing procedure" of line 4 and lines 22-28.

Further clarification is needed.

D) The preamble of claim 10 indicates that claim 10 is directed to a "recording medium" having a program stored thereon which, when executed by the computer, causes the computer to perform a recited reproduction "method". However, the claim is confusing and indefinite because the body of the claim (i.e., lines 6-23) fails to define the "active steps of manipulation" the recited

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“method” as is required of a method claim; i.e. and/or it is unclear as to how and if the recited “method” of line 3 relates the recited “processing procedure” of line 5 and lines 23-29. Clarifications are needed.

**3. The following “prior art” is noted:**

A) Japanese Patent Document # 2003-114845 to Kimura et al. has been cited because it discloses a system in which a “moof” is converted into “moov” via a modification of the header information associated therewith.

**4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.**

**If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Marsha D. Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.**

**Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

**/DAVID E HARVEY/**

**Primary Examiner, Art Unit 2621**

DAVID E HARVEY  
Primary Examiner  
Art Unit 2621